

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

BRIAN SCHAAP,)
)
)
PLAINTIFF)
)
V.) CAUSE No.
)
)
COMMANDER LOUIS ARCURI, JR.,)
OFFICER ARCIDES SANTIAGO,)
OFFICER JE SANCHEZ, AND OFFICER)
SAYRA JIMINEZ-SEGOVIA,)
)
DEFENDANTS)
)

COMPLAINT

Comes now the Plaintiff, Brian Schaap, by counsel, David W. Westland of the law firm Westland & Bennett P.C., and for his cause of action against the Defendants, Commander Louis Arcuri, Jr., Officer Arcides Santiago, Officer JE Sanchez, and Officer Sayra Jiminez-Segovia, alleges and states as follow:

JURISDICTION AND VENUE

1. This cause of action is for damages based upon violation of the Fourteenth Amendment to the United States Constitution pursuant to 42 U.S.C. 1983 as well as related state claims.
2. Jurisdiction is conferred upon this Court by 28 U.S.C. 1331, 1341, and 1343.
3. Venue is proper in this judicial district under 28 U.S.C. 1391(b) and (c) because Plaintiff and all Defendants either reside in this district or have their principle place of business in this district, and because all events giving rise to Plaintiff's claims occurred within this district.

PARTIES

4. Plaintiff, Brian Schaap, is and was at all relevant times a resident of the State of Indiana, County of Lake.

5. Defendant, Commander Louis Arcuri, Jr., is a police officer, with the rank of Commander, employed by the City of East Chicago and at all relevant times was on duty and acting under color of law and within the scope of his duties.

6. Defendant, Officer Arcides Santiago, is a police officer employed by the City of East Chicago and at all relevant times was on duty and acting under color of law and within the scope of his duties.

7. Defendant, Officer JE Sanchez, is a police officer employed by the City of East Chicago and at all relevant times was on duty and acting under color of law and within the scope of his duties.

8. Defendant, Officer Sayra Jiminez-Segovia, is a police officer employed by the City of East Chicago and at all relevant times was on duty and acting under color of law and within the scope of her duties.

FACTS RELEVANT TO ALL CLAIMS

9. That on or about March 25, 2019, Plaintiff was involved in a motor vehicle collision with Ms. Shantina Barlow at the intersection of 148th and Indianapolis Blvd. in East Chicago, Indiana.

10. That immediately after the collision the Defendant Officers Arcuri, Santiago, Sanchez, and Jiminez-Segovia arrived at the scene of the collision and commenced an investigation.

11. That as part of their investigation the Defendant officers required the Plaintiff to remain at the scene of the collision to answer their various questions and produce documents they requested.

12. That at the scene of the collision and while Defendant Officers were present, Mr. Benyama Donta Morman Bell charged out of a building located immediately adjacent to the site of the collision and, in the presence of the Defendant officers, repeatedly and violently screamed at the Plaintiff threatening to then and there do great physical harm to him.

13. While possessing actual knowledge of the obvious danger posed to the Plaintiff by Mr. Bell and while the Plaintiff was in their control and custody, Defendant Officers Arcuri, Santiago, Sanchez, and Jiminez-Segovia failed to restrain or exercise control of Mr. Bell or take reasonable and necessary steps to protect Plaintiff from physical attack by Mr. Bell.

14. That at said time and place, in the presence of the Defendant officers, Mr. Bell acted on his threats of violence and physically attacked Plaintiff, causing him to suffer grave physical injuries, including broken ribs, a dislocated shoulder, brain bleeding, and a facial laceration requiring staple repair.

15. Under the Fourteenth Amendment to the United States Constitution the Plaintiff, while in the custody and control of the Defendants, was entitled to federally protected rights to life, liberty and the pursuit of happiness.

16. Plaintiff's rights under Fourteenth Amendment to the United States Constitution are enforceable under 42 U.S.C. 1983.

17. While possessing actual knowledge of the obvious danger posed to the Plaintiff by Mr. Bell and while the Plaintiff was in their control and custody, Defendant Officers Arcuri, Santiago, Sanchez, and Jiminez-Segovia failed to restrain or exercise control of Mr. Bell or take reasonable and necessary steps to protect Plaintiff from physical attack by Mr. Bell.

18. Defendant Officers Arcuri, Santiago, Sanchez, and Jiminez-Segovia's actions were undertaken within the scope of their employment, while on duty, and under color of law.

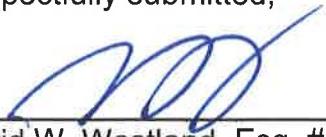
19. As a result of Defendant Officers Arcuri, Santiago, Sanchez, and Jiminez-Segovia's failure to protect the rights granted to the Plaintiff under the Fourteenth Amendment to the Constitution of the United States, the Plaintiff suffered physical injuries, harms, and losses.

WHEREFORE, the Plaintiff, Brian Schaap, prays for judgment against the Defendants, Commander Louis Arcuri, Jr., Officer Arcides Santiago, Officer JE Sanchez, Officer Sayra Jiminez-Segovia, in an amount sufficient to compensate the Plaintiff for his injuries, damages, harms and losses, punitive damages, for costs of this action and all other proper relief.

JURY DEMAND

Plaintiff, Brian Schaap demands a trial by jury.

Respectfully submitted,


David W. Westland, Esq. #18943-64
Westland & Bennett P.C.
2929 Carlson Drive, Suite 300
Hammond, IN 46323
Phone: (219) 440-7550
Fax: (219) 440-7551
E-mail: dwestland@westlandbennett.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 8th day of April 2020, I, mailed via United States Postal Service the foregoing document(s) to the following parties or attorneys who are not registered for electronic filing and service in this case:

Commander Louis Arcuri, Jr.
Officer Arcides Santiago
Officer Je Sanchez
Officer Sayra Jiminez-Segovia
c/o East Chicago Police Department
2301 E. Columbus Dr.
East Chicago, IN 46312

By: 

Westland & Bennett P.C.